

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Gerald Markham,) No. CV 16-134-TUC-JAS (JR)
Plaintiff,)
vs.) **ORDER**
Pima County, et al.)
Defendants.)
_____)

Pending before the Court is a Report and Recommendation issued by Magistrate Judge Rateau. In the Report and Recommendation, Magistrate Judge Rateau recommends granting in part and denying in part Defendants' motion to dismiss (Doc. 55) the First Amended Complaint. As the Court finds that the Report and Recommendation appropriately resolved the motion, both Defendants' and Plaintiff's objections are denied.¹

Accordingly, IT IS HEREBY ORDERED as follows:

(1) Magistrate Judge Rateau's Report and Recommendation (Doc. 79) is accepted and

¹The Court reviews de novo the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. See *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); see also *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

1 adopted.²

2 (2) Defendants' motion to dismiss (Doc. 55) is granted in part and denied in part as
3 discussed in the Report and Recommendation.

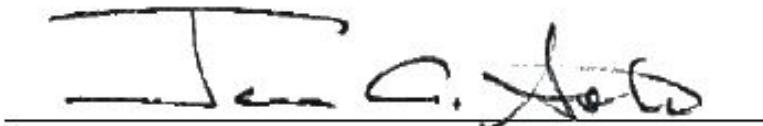
4 (3) This case is hereby referred back to Magistrate Judge Rateau for all pretrial
5 proceedings and report and recommendation in accordance with the provisions of 28
6 U.S.C. § 636(b)(1), Fed.R.Civ.P. 72, and LRCiv 72.1, 72.2, and 72.3 of the Rules of
7 Practice of the United States District Court for the District of Arizona.

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9 DATED this 13th day of October, 2017.

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13 James A. Soto
14 United States District Judge
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27 ²The Court notes that Defendants' objections correctly point out a typo on page 11,
line 6, of the Report and Recommendation. The name "Dixon" is hereby changed to
28 "Jansen" to correct the typo.